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PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : J. PATTERSON

Group Art Unit : 2831

Serial No. : 09/881,536

Examiner : J. Lee

Filed : June 14, 2001

For : CONNECTIONLESS DATA LINK ASSEMBLY

Attorney Docket No. : 65856-0032

## BOX NON-FEE AMENDMENTS

Commissioner for Patents

Washington, D.C. 20231

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Date: <u>10-17-2002</u>	Signature <u>Julie A. Barber</u> Julie A. Barber

**REQUEST FOR RECONSIDERATION**

Dear Sir:

This is a response to the non-final Office Action dated July 17, 2002, (Paper No. 4). Claims 1-16 are currently pending, with Claims 1-12 provisionally elected in response to the prior restriction requirement. Non-elected Claims 13-16 will be cancelled upon allowance of the elected claims. Favorable reconsideration is respectfully requested in light of the following Remarks.

I. Formal Matters

1. The Office action indicates that the references listed in the specification are not in a proper information disclosure statement. An Information Disclosure Statement properly citing the references listed in the specification on PTO Form 1449 along with a copy of these references is attached hereto. Accordingly, the undersigned respectfully requests that these references be official made of record in this application and that the Examiner considers this reference as it relates to the patentability of this invention

2. The Office action objects to the drawings under 37 C.F.R. 1.83(a) for not showing a "double wall shrink tube", "adhesive material", and "multiplex cable". In response, Applicant refers to Figure 3, which depicts a pre-assembled, connectionless data link assembly that includes a double wall shrink tube (item 78). Furthermore, as discussed in paragraph 26 of the specification, "one side of the double wall shrink tube 78 has an adhesive thereon to securely cover the splice between the trunk portion 72 and the shunt portions 74." Accordingly, although not shown in Fig. 3, one skilled in the art would understand that the adhesive material is on one side of the shrink tube 78 to further secure the shrink tube 78 over the spliced region of the trunk 72. Lastly, a multiplex cable is depicted in Fig. 3 as items 72 and 74. Specifically, as discussed in paragraph 25 of the specification, trunk portion 72 and shunt portions 74 "preferably comprise a multiplex cable." Withdrawal of the objection is respectfully requested.

II. The Claims Define Patentable Subject Matter

1. The Office Action rejects Claims 1-3, 6-9 and 12 under 35 U.S.C. §103(a) over the conventional art as described in the Applicant's specification and Applicant's prior art Figure 2. The rejection is respectfully traversed.

Independent Claims 1 and 7 specify, *inter alia*, a pre-assembled data link assembly that includes a trunk portion having first and second ends, an engine shunt portion and a transmission shunt portion that splice into the trunk portion to form the pre-assembly data link assembly.

In contrast, the conventional art, as discussed in the specification and depicted in Fig. 2, is of a modular design, comprising multiple “building block” pieces that must be interconnected in order to establish a data link between two or more components of a vehicle. However, several problems exist with this conventional modular design. First, the conventional data link results in increased commercial cost. Specifically, as the conventional data link must be custom assembled for every combination of chassis, engine and auto-mechanical transmission, the manufacturer is required to maintain a large inventory of every type of “building block” piece to assure a data link can be constructed. Yet maintaining a large inventory of parts is costly and can lead to a significant portion of a company’s equity inefficiently “tied up” in inventory.

In addition, the conventional modular design data link is much more susceptible to improper installation and damage due to human error. As a result of the significant number of pieces that must be linked together, a significantly greater number of steps must be taken to install a conventional data link compared to Applicant’s invention. However, with each additional step comes the possibility that an installer makes an improper connection or omits or installs a wrong part. Subsequently, there is a significantly greater chance that the conventional modular data link will function improperly or be damaged.

In contrast to the conventional data link, Applicant’s invention offers significant commercial advantages over modular-based systems. For example, by providing a pre-assembled data link that includes a “trunk portion having first and second ends” that functions as the back bone of the system, far fewer parts need to be connected together in order to establish a data link between two or more vehicle components. This reduces the number of parts a manufacturer must maintain in inventory, thereby freeing up equity that can be applied to more productive uses. As fewer connections must be made, the chances of human error entering into the installation process are also reduced, resulting in more efficient manufacturing and a more reliable end product. *See Paragraphs 6 and 7.*

It is well-settled law that in determining obviousness, one must (1) determine the scope and content of the prior art; (2) ascertain the differences between the prior

art and the claimed invention; and (3) resolve the level of ordinary skill in the pertinent art. Secondary considerations such as commercial success or commercial advantages, long felt but unsolved need, and failure of others are also considered.<sup>1</sup> In view of its significant commercial advantages, Applicant's pre-assembled data link is patentable over the conventional art.

Furthermore, obviousness cannot be established by combining the teaching of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under 35 U.S.C. §103, teachings of references can be combined only if there is some suggestion or incentive to do so.<sup>2</sup> It is respectfully submitted that the prior art of record fails to provide any such suggestion or incentive.

For at least this reason, Claim 1 and 7 are allowable over the applied art. Claims 2, 3 and 6, which depend from Claim 1, and Claims 8, 9 and 12, which depend from Claim 7, are likewise allowable over the applied art. Withdrawal of the rejection is respectfully requested.

2. The Office Action rejects Claims 4, 5, 10 and 11 under 35 U.S.C. §103(a) over the conventional art as described in the Applicant's specification and Applicant's prior art Figure 2 in view of U.S. Patent No. 6,257,923 to Stone et al. ("Stone") and U.S. Patent No. 4,929,477 to Will ("Will"). The rejection is respectfully traversed.

Claims 4 and 5 depend from Claim 1, and Claims 10 and 11 depend from Claim 7. Stone and Will do not disclose, teach or suggest at least the feature of a pre-assembled data link assembly that includes a trunk portion having first and second ends, an engine shunt portion and a transmission shunt portion that splice into the trunk portion to form the pre-assembly data link assembly, as recited in Claims 1 and 7. By contrast, it appears that Stone and Will teach shrink tubing. Thus, Stone and Will add nothing to overcome the deficiencies of the conventional art in the Applicant's specification and Applicant's prior art Figure 2, as described above in Section II.1.

For at least this reason, Claims 4, 5, 10 and 11 are allowable over the applied

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<sup>1</sup> Graham v. John Deere Co., 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966).

<sup>2</sup> ACS Hosp. Sys., Inc. v. Montefiore Hosp., 221 USPQ 929, 932, 933 (Fed. Cir. 1984).

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art, taken singly or in combination. Withdrawal of the rejection is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

Should Examiner Lee believe anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

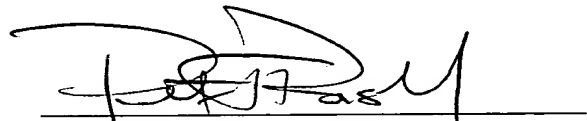
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Respectfully submitted,

Dated: 10/17/02

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